

**DECISION RECORD
FOR
DOI-BLM-NV-S010-2009-0088-EA
*Excite*MINT 400
Off-Highway Vehicle Race**

Decision:

The Bureau of Land Management (BLM) Las Vegas Field Office has determined that authorization of the *Excite*MINT 400 (MINT 400) Off-Highway Vehicle Race would not result in significant impacts, based on Environmental Assessment (EA) DOI-BLM-NV-S010-2009-0088-EA and Finding of No Significant Impact completed pursuant to the National Environmental Policy Act, 42 U.S.C. 4321 et seq. Therefore, an Environmental Impact Statement is not required. Both documents are attached and hereby incorporated by reference and are available at the Las Vegas Field Office.

It is the final decision of the Las Vegas Field Office Assistant Field Manager, Non-Renewable Resources to authorize the *Excite*MINT 400 as proposed and described in the EA. All terms and conditions from the Biological Opinion for this event shall be incorporated into the permit that will be issued as a result of this action.

Conformance:

The proposed action is authorized by the Federal Land Policy and Management Act of 1976, (43 U.S. C. 1701 et seq.), and conforms to the BLM Las Vegas Resource Management Plan, approved October 5, 1998 (LVRMP). The proposed action is in compliance with the Clean Air Act (42 USC 740 et seq.), the Migratory Bird Treaty Act (16 USC 703-711), the Endangered Species Act of 1973, as amended (16 USC 1531), the National Historic Preservation Act (16 USC 470), and E.O 13112 Noxious Weed. I have determined that the proposed action, with the mitigation measures described in the attached final EA, incorporated herein by this reference, will not have any significant impact on the human environment and that the action does not require the preparation of an Environmental Impact Statement.

Selected Alternative:

The proposed action, the MINT 400 race course is 95 miles long, of which 70 miles traverse BLM managed lands and 25 miles traverse the Moapa Paiute Reservation. There is less than 1 mile on private land owned by Pabco Gypsum. The activities will begin on March 21, 2009 and end March 29, 2009. Any restoration to the course will be completed within 14 days after the race.

Mitigation and Monitoring Measures:

Desert Tortoise

The terms and conditions identified in the biological opinion completed for this race course (Appendix 2 of the attached EA) are incorporated in this decision as permit stipulations.

Sensitive Plants

No passing zones are identified and race vehicles must slow in sharp turns.

The project proponent will be required to conduct a post race assessment to determine if widening has occurred and if so the extent.

The project proponent will be required to restore impacted vegetation.

Noxious Weeds

All Mitigation as depicted in the EA is incorporated in this decision as written.

Within two days following the race, BLM staff will re-measure the five test plots established and described in section 3.4.1 of attached EA.

Public Involvement:

The review of this EA consisted of an internal review by the staff at the BLM Las Vegas Field Office. The EA was also reviewed by the BIA, Southern Paiute Agency. The EA will be posted on the BLM website and the BIA intends to publish a notice of its availability in a Moapa newspaper. In addition, a copy of the EA will be provided to the Moapa Band of Paiutes.

There was extensive coordination with the Moapa Band of Paiutes, the Bureau of Indian affairs, the U.S. Fish and Wildlife Service to ensure the environmental impacts would be held to a minimum for this type of event. Every precaution has been included as terms and conditions of the permit.

Rationale for Decision:

The decision to proceed with the proposed action is authorized by FPLMA, and conforms to the LVRMP. In addition, the EA evidences that the proposed action will not result in any significant impacts to the environment.

Under the SNORE 250 alternative, the race will occur on the race course known as the SNORE 250. The course is shorter than the MINT 400 course and would require more laps than the MINT 400 course. This would result in more vehicles on a shorter course and could result in an increase in the number of injuries. In addition, the Moapa Band of Paiutes would lose direct and

indirect revenue from the race and hinder their stated goal of self-determination through economic development.

Under the No Action alternative, no off-highway vehicle race would occur. This would result in a large financial loss to the City of Las Vegas, Clark County and the Moapa Band of Paiutes. It would not also meet the needs of the community to have organized recreational activities.

Protest and/or Appeal:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 2931.8, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to Interior Board of Land Appeals and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof in demonstrating that a stay should be granted.

Standards for obtaining a Stay

Except as otherwise provided for by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.


Mark R. Chatterton
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Division of Non-Renewable Resources
Las Vegas Field Office

3/20/2009
Date